

MINUTES
Regular Meeting of the College Park City Council
Tuesday, April 12, 2011
8:00 p.m. – 9:04 p.m.

PRESENT: Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Stullich, Cook, Afzali and Mitchell (arrived at 8:12 p.m.).

ABSENT: Councilmember Perry.

ALSO PRESENT: Steve Groh, Acting City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Catlin led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Catlin and seconded by Councilmember Wojahn to accept the minutes of the March 15 Special Session, March 22 Public Hearing on 11-O-02, March 22 Regular Meeting, and Confidential Minutes of the March 22 Executive Session. The motion passed 6 – 0 – 0.

Announcements:

Councilmember Catlin stated that the Lakeland Civic Association would meet on April 14 at 7:30 p.m. at the College Park Community Center.

Councilmember Wojahn said that on April 13 at 7:00 p.m. at Davis Hall there would be a presentation by UMD landscape architecture students of their designs for the Hollywood Gateway Park.

Councilmember Nagle announced that the North College Park Civic Association would meet at 7:30 p.m. on Thursday at Davis Hall.

Proclamation: Mayor Fellows proclaimed Saturday, April 23, 2011 as Arbor Day in the City and read the Proclamation.

Amendments to the Agenda: None.

City Manager's Report: Acting City Manager Steve Groh announced that on the agenda tonight is an amendment of the Homeownership Grant Program which will change the applicability date from July 1 back to March, when it was adopted. The City has received a grant application on a short sale property that will qualify for this program once the date is changed.

Mayor Fellows noted that engineers are still making adjustments to the new sound system that was installed in the Council Chambers.

Student Liaison Comments: Mr. Burrell announced that the SGA is holding their elections so the new officers will be announced the end of the week. They have also begun the search for next year's student liaison.

Comments from the Audience on Non-Agenda Items:

Robert Boone, 9615 52nd Avenue: Discussed the new community garden project he is sponsoring in north College Park and requested certain help from the City.

Michael Libcke, 3706 Utah Avenue, Brentwood, Maryland: He is working on the College Park Neighborhood Business Alliance and displayed the poster and fliers that have been created to promote local businesses. He discussed the Shop College Park marketing campaign. There were questions about which businesses should be included in the program.

(Councilmember Mitchell arrived during Mr. Libcke's comments.)

Melissa Sites and Richard Biffl, College Park Arts Exchange: Ms. Sites presented the 2009-2010 Final Report and thanked Council for their support over the years. There have been 94 events serving 4700 participants in this time period. They discussed their budget request for the coming year. They have been successful in other fundraising so the City now provides 44% of their budget. Their programs are spread throughout the City and serve all segments of the population. For more information, contact www.cpae.org.

Consent Agenda: A motion was made by Councilmember Stulich and seconded by Councilmember Mitchell to adopt the Consent Agenda which consisted of the following items:

- 11-G-41** **Approval of Sunday Use of Duvall Field by College Park Boys and Girls Club, for Boys Lacrosse Home Games; Sundays, 11 a.m. to 6 p.m., May 1, 8, and 15, 2011.**
- 11-R-05.** **Resolution Of The Mayor And Council Of The City Of College Park, Amended Maryland, To Amend The Homeownership Grant Program To Authorize Career Firefighters And Emergency Medical Technicians Who Work In Prince George's County To Qualify For The Grant And To Expand The Properties To Which The Grant Applies To Single Family Residences And Condominium Units That Are In Foreclosure Or Short Sale Status.**
- 10-R-31.** **Resolution Of The Mayor And Council Of The City Of College Park, Amended Maryland, To Establish A City Redistricting Commission To Review And Recommend The Appropriate Reapportionment Of The City Council Districts And To Formulate The Charge To The Commission.**

The motion carried 7 – 0 – 0.

Action Items:

11-O-04 Adoption of 11-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations”, §125-10 “Responsibilities Of Owners And Occupants” To Prohibit The Spread Of Bamboo Onto Adjoining Properties And Chapter 110 “Fees And Penalties” To Provide A Penalty For Violation.

A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to adopt Ordinance 11-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations”, §125-10 “Responsibilities Of Owners And Occupants” To Prohibit The Spread Of Bamboo Onto Adjoining Properties And Chapter 110 “Fees And Penalties” To Provide A Penalty For Violation..

Mr. Wojahn said the idea for this ordinance came from constituent complaints about bamboo passing onto their property from adjoining property owners. It is very difficult to eradicate bamboo once it gets on your property. This encourages residents to be good neighbors and control the spread of bamboo off their properties. Enforcement is complaint driven. The penalty for the first violation is \$200 and \$400 for each additional 30 day period.

Due to the earlier public hearing there will be no further public comment at this time.

In response to a question, Ms. Ferguson said that the only instance in which the City would issue a Municipal Infraction is if there has been a complaint from an adjoining property owner onto whose yard the bamboo had encroached without their permission.

The motion passed 7 – 0 – 0.

11-G-42 Award of FY 2011 Public School Education Grants

A motion was made by Councilmember Cook and seconded by Councilmember Mitchell to award the following grants under the FY 2011 Public School Education Grant program: To Hollywood Elementary School, a non-competitive grant of \$5,000 for collaborative planning for teachers. This grant covers a portion of the cost of substitute teachers, allowing staff to participate in the collaborative planning meetings. To Paint Branch Elementary School, a non-competitive grant of \$5,000 for project-based learning. This grant covers a portion of the cost of transportation, hotel and food costs for 15 sixth grade students to attend an educational summit with Paint Branch’s sister school in Tianjin, China. In accepting these grants, each school has executed a “hold harmless” agreement prepared by the City Attorney.

Councilmember Cook stated that these grants are based on applications submitted by the deadline and reviewed by the City’s Education Advisory Committee, whose recommendation was presented to Mayor & Council at the April 5th Worksession. Funding for these non-

competitive grants is provided in the FY 2011 adopted operating budget, account 1010-2538, in the total amount of \$10,000.

There were no comments from the audience. There were no comments from Council.

The motion passed 7 – 0 – 0.

11-G-43 Award of FY 2011 Fire Department Grants

A motion was made by Councilmember Cook and seconded by Councilmember Catlin to award the following grants under the FY 2011 Fire Department Capital Equipment Grant program: To College Park Volunteer Fire Department, Inc., \$10,000 to apply to debt service on their 2010 GMC/PL custom ambulance (purchased in FY 2010). Annual debt service is \$37,678. To Branchville Volunteer Fire Company & Rescue Squad, Inc., \$10,000 to apply to cost of a new ambulance to replace 2002 Ford A-117 Lifeline ambulance. Estimated acquisition cost is \$175,000, delivery is scheduled for June-July 2011. To Berwyn Heights Volunteer Fire Department & Rescue Squad, Inc., \$10,000 to apply to purchase of a 2010 Seagrave aerial ladder truck which responds to high-rise buildings in the City and on the UM campus. Semi-annual debt service is \$42,000. In accepting these grant awards, each fire company has executed a “hold harmless” agreement prepared by the City Attorney.

Councilmember Cook added that in February, the City solicited grant applications from the 3 fire companies providing first response to residents of the City for the purchase of capital equipment. Grant awards under this program are limited to \$10,000 per fire company per year. Three applications were received prior to the application deadline and were reviewed by Mayor & Council at the April 5th Worksession. Current year funding for these grant awards is provided in the FY 2011 Capital Improvement Program, project 012006, in the total amount of \$30,000. There were no comments from the audience. There were no comments from Council.

The motion passed 7 – 0 – 0.

11-G-44 Approval of Liquor License Transfer Request: Mark Kaiser, Authorized Person, Kimerlyn Butler, Authorized Person for a Class B, BLX, Beer, Wine and Liquor License for the use of Potomac of Prince George’s LLC, t/a Applebee’s (College Park), 7242 Baltimore Avenue, College Park, 20740 transfer from Applebee’s Restaurant Maryland License, t/a Applebee’s (College Park), Kevin P. Hyland, Authorized Person, Mark J. Kaiser, Authorized Person, Kimerlyn Butler, Authorized Person.

A motion was made by Councilmember Stulich and seconded by Councilmember Afzali to approve a Property Use Agreement, in substantially the form as attached, to authorize the City Manager to sign the Property Use Agreement and to authorize staff to testify to the Board of License Commissioners that the City does not oppose a liquor license transfer

application as follows: An application for Transfer of a Class B, BLX, Beer, Wine, and Liquor License for the use of Potomac of Prince George's LLC, t/a Applebee's (College Park) 7242 Baltimore Avenue, College Park, 20740, Mark Kaiser and Kimerlyn Butler, Authorized Persons. Transfer of license from Applebee's Restaurants Maryland Licensing, LLC, t/a Applebee's (College Park) 7242 Baltimore Avenue, College Park, 20740, K. Hyland, M. Kaiser, and K. Butler, Authorized Persons.

Councilmember Stullich added that an application for a transfer of a Class B, BLX, Beer, Wine and Liquor License has been submitted to the Prince George's County Board of License Commissioners (BOLC) by Potomac of Prince George's LLC, t/a Applebee's (College Park) 7242 Baltimore Avenue, College Park, MD 20740. A draft, updated Property Use Agreement contract (PUA) has been prepared for Council consideration. The BOLC hearing is scheduled for April 26, 2011. Applebee's is currently owned by the Applebee's corporate entity. This application, along with a number of others, would transfer the liquor license to a franchisee. Once this series of transfers is complete, all of the Applebee's in the state will be owned by franchisees. The franchisee is severely restricted by the franchise agreement, and must operate this Applebee's in compliance with the business plan that has been used to date at this location. The City currently has a 2008 property use agreement with Applebee's. There is no record of any alcohol or noise related issues with Applebee's. Based on the history of this property and plans for use, she doesn't see a problem with this transfer. The applicant has asked for a limited number of amendments to the 2008 PUA. Applebee's does sell pitcher beer and has asked to be able to continue to do so as a public accommodation. They have asked for an accommodation in the PUA for the corporate franchisee requirement that late night specials be offered. The Council discussed the application at a work session on April 5, 2011 and decided to not oppose approval of the license transfer by the BOLC.

There were no comments from the audience. There were no comments from the Council.

The motion passed 7 – 0 – 0.

**11-G-45 Approval of a Letter To The Prince George's County Planning Board
Expressing The City's Position On The Proposed Boundary For Greenbelt
Metro Area and MD 193 Corridor Sector Plan and Sectional Map
Amendment**

A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to send a letter to the Planning Board expressing the City's position on the proposed boundary for the Greenbelt Metro Area and MD 193 Corridor Sector Plan.

Councilmember Wojahn said this project has a long history from when the Greenbelt Metro area last became part of the Sector Plan and continued with the proposed development around the metro station. Residents in north College Park have long had concerns about the impacts that development around the Greenbelt metro station would have on their neighborhoods. As a result, we are asking that the City of College Park be heavily involved in this process as this Sector Plan is revised. The letter asks for College Park to have an equal place at the table as

Greenbelt and Berwyn Heights, and states various principles that we would like to see carried forward from the 2001 Sector Plan.

There were no comments from the audience.

Councilmember Catlin said the proposed scope of the Sector Plan has expanded in the last several months and that Berwyn Heights has asked that the industrial area south of Greenbelt Road, which is adjacent to the Berwyn neighborhood, be included. This is another reason for the City to be involved.

Councilmember Nagle said it is important to go on record to be involved in every step of this process because it will greatly impact north College Park. Residents want to be involved all along the way, and we can be involved without being in the boundaries.

The motion passed 7 – 0 – 0.

11-R-06 Approval of 11-R-06, A Resolution Of The Mayor And Council Of The City Of College Park, Maryland To Establish A Neighborhood Watch Committee In The City Of College Park To Advise The City Council, And To Enhance Neighborhood Watch Programs City Wide.

A motion was made by Councilmember Mitchell and seconded by Councilmember Nagle to adopt 11-R-06 to form a new College Park Neighborhood Watch Steering Committee as described in the Resolution. In adopting this Resolution, the City will repeal Resolution 97-R-15 and dissolve the City Council Neighborhood Watch Subcommittee, the Neighborhood Watch Committee, and the City-wide College Park Neighborhood Watch Coordinator position.

Councilmember Mitchell said the City Council wished to enhance the City-wide neighborhood watch program and made this a goal in the Strategic Plan. A Council Subcommittee consisting of Councilmembers Afzali, Mitchell, Nagle and Wojahn was appointed. The Subcommittee determined that a Steering Committee of three appointees should be appointed to work with police, staff and residents to help develop and direct neighborhood watch programs.

Councilmember Afzali said it is incredibly hard for one person to handle this position and it made sense to have multiple people at the top to bring stability to the program.

Councilmember Wojahn thanked the people who have agreed to be appointed to the Steering Committee.

The motion passed 7 – 0 – 0.

11-O-05 Introduction Of 11-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 34, “Elections” Article III, “Fair Election Practices”, §34-14, “Contributions And Expenditures; Prohibited Practices” To Prohibit Only Direct Contributions Or Expenditures

By A Business Entity To A Candidate's Campaign, And §34-17 "Political Matter Published Or Distributed", To Clarify That Electronic Media, Telephone, And Other Forms Of Communication Are Political Matter Included Within The Requirements Of §34-17 And Amending Chapter 141, "Nuisances", §141-7, 'Signs And Advertisements" To Place A Time Limit On Posting Of Political Signs In The Public Streets Or Thoroughfares And To Clarify That Permission Of The City Is Required For Placement Of Signs.

A motion was made by Councilmember Cook and seconded by Councilmember Wojahn to introduce Ordinance 11-O-05, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 34, "Elections" Article III, "Fair Election Practices", §34-14, "Contributions And Expenditures; Prohibited Practices" To Prohibit Only Direct Contributions Or Expenditures By A Business Entity To A Candidate's Campaign, And §34-17 "Political Matter Published Or Distributed", To Clarify That Electronic Media, Telephone, And Other Forms Of Communication Are Political Matter Included Within The Requirements Of §34-17 And Amending Chapter 141, "Nuisances", §141-7, 'Signs And Advertisements" To Place A Time Limit On Posting Of Political Signs In The Public Streets Or Thoroughfares And To Clarify That Permission Of The City Is Required For Placement Of Signs.

Councilmember Cook announced that the Public Hearing would be held on May 10 at 7:45 p.m. in the Council Chambers.

11-G-46 Appointments to Boards And Committees

A motion was made by Councilmember Mitchell and seconded by Councilmember Afzali to approve the following appointments: Appoint Aaron Bourne, Robert Boone and Zari Malsawma to the Neighborhood Watch Steering Committee; Dustyn Kujawa to the Redistricting Commission (Councilmember Mitchell's appointment); and for the College Park City-University Partnership, to change Robert Wagner's term expiration date to January 2013 from January 2011, to reappoint Mayor Fellows as a Class B Director term to expire January 2014, and to reappoint Stephen Brayman as a Class B Director term to expire January 2014.

The motion passed 7 – 0 – 0.

Council Comments: Councilmember Nagle commented on Councilmember Perry's absence and asked everyone to keep him in their thoughts and prayers over the next days and weeks as he deals with health issues. The Council concurred.

Councilmember Mitchell said the West College Park Civic Association is selling mulch and provided contact information for anyone interested.

Comments from the Audience: None.

Adjournment: A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to adjourn the meeting. Mayor Fellows adjourned the meeting at 9:04 p.m. with a vote of 7 – 0 – 0.

Janeen S. Miller, CMC
City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 10:00 p.m. on April 5, 2011 in the Council Chambers at City Hall, a motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to enter into an Executive Session for the following reasons:

- G) Consult with Counsel on a Legal Matter
- I) Consider Matters That Relate To Collective Bargaining Negotiations

The motion passed 7 – 0 – 0 (Perry absent) and the Executive Session convened at 10:12 p.m.

Present: Mayor Fellows, Councilmembers Nagle, Wojahn, Catlin, Stullich, Cook, Afzali and Mitchell.

Absent: Councilmember Perry.

Also Present To Consult With Counsel On A Legal Matter: Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk.

Topics Discussed:

- 1) The City Attorney advised the City Council on the legal considerations raised by a petition drive in the City.

Actions Taken: None

Also Present To Consider Matters Related To Collective Bargaining Negotiations: Joe Nagro, City Manager.

Topic Discussed: The City Manager updated the City Council on collective bargaining negotiations.

Actions Taken: None

Adjourn: A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:55 p.m. with a vote of 7 – 0 - 0.